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On Friday, March 13, 2020, the U.S. House of Representatives passed the Families First Coronavirus Response Act (the “Act”). If passed by the U.S. Senate, the Act will have ramifications on employers throughout the Country. Although a Senate vote is not yet scheduled, a vote is expected in the coming days. We will continue to keep you updated as to any potential amendments to the Act.

The charts below summarize the benefits proposed by the version of HR 6201 issued on March 13, 2020.

1. Additional Paid Sick Time Off During Public Health Emergency

Benefit:	Who pays?	Who is entitled?	When?	Additional details:
2 weeks of paid sick time (to allow for 14 continuous days off from work without a reduction in pay).	Employers with less than 500 employees and government employers. Employers with fewer than 50 employees can seek a hardship exemption. ^[1]	During a declared public health emergency, full-time and part-time employees: <ul style="list-style-type: none"> • who have a physical or mental illness, injury, or medical condition or is seeking medical care; • whose place of employment is closed due to the public health emergency; • who must be quarantined to prevent exposure; • who must care for someone who is infected; • who are quarantined; • whose place of work or children's school is closed due to the public health emergency. 	Employees may use the sick time immediately upon passage of the bill (without a waiting period), following declaration of a public health emergency.	For full-time salaried employees, the paid sick time must be equal to their current pay for 14 continuous days. For part-time or hourly employees, the paid sick time must be equal to the number of hours that the employee was scheduled to work or, if not scheduled, the amount which they would regularly work in a 14 day period. ^[2]

2. Paid Sick Time Accruals

Benefit:	Who pays?	Who is entitled?	When?	Additional details:
1 hour of earned paid sick time for every 30 hours worked, not to exceed 56 hours annually (unless the employer chooses to set a higher limit). This does not add any sick time accruals to employers who already have a paid sick leave program that exceeds these new requirements.	Employers with less than 500 employees and government employers.	Full-time and part-time employees. ^[3]	Employees are entitled to use the earned paid sick time starting on the 60th day after commencing employment.	This earned paid sick time carries over from 1 year to the next, however the employer is not required to permit an employee to earn more than 56 hours at a given time. Employers are not required to pay employees their earned sick time upon separation.

3. Emergency FMLA Leave

Benefit:	Who pays?	Who is entitled?	When?	Additional details:
Up to 12 weeks of leave during the public health emergency related to the coronavirus. ^[4]	Under this expansion to FMLA, the employer is not required to pay to the employee on leave. However, an employee could use their accrued leave (if any) per the employer's FMLA policy.	Employees (of employers with 50 or more employees): <ul style="list-style-type: none"> • who have been diagnosed with Covid-19 • are quarantined to prevent the spread of Covid-19 • are caring for another who has Covid-19 (or are also under quarantine), or • are caring for a child or other individual who is unable to care for themselves due to the Covid-19-related school closing. 	Employees who have been employed for at least 30 days.	Only in effect for a 2 year period after the enactment date. Leave may not be taken intermittently. Includes an expanded definition of "parent." The employer is not required to restore the employee to their position if it no longer exists due to economic conditions.

4. Emergency Leave Pay

Benefit:	Who pays?	Who is entitled?	When?	Additional details:
Payment of 2/3 of an employee's average monthly earnings for 3 months, up to cap of \$4,000.	US Commissioner of Social Security.	Full and part-time employees who are unable to work (and are not receiving compensation from their job) because they: <ul style="list-style-type: none"> • have been diagnosed with Covid-19 • are quarantined to prevent the spread of Covid-19 • are caring for another who has Covid-19 (or are also under quarantine), or • are caring for a child or other individual who is unable to care for themselves due to the Covid-19-related school closing. 	Individuals who had wages or self-employment income during the 30 day period ending on the first emergency leave day.	The benefit period begins on Jan. 19, 2020 and ends on the date that is 1 year after the bill's enactment date.

^[1] Employers with 50 or fewer employees may seek reimbursement from the Secretary of Treasury for the costs of providing the 2 weeks of additional paid sick leave.

^[2] The portion of the bill includes an enforcement mechanism, making it unlawful for a covered employer to restrain or deny the exercise of any right provided under the Act. It also makes it unlawful to consider taking paid sick time as a negative factor in any employment action or to count the paid sick time under a no-fault attendance policy or any other absence control policy. An aggrieved individual may assert a cause of action against any employer who violates these provisions and seek injunctive relief, damages (in the form of wages, salary, employment benefits, or other compensation) plus interest, liquidated damages, equitable relief, and attorney's fees and costs.

^[3] If an employee's normal workweek is less than 40 hours, the employee shall earn paid sick time based upon their normal workweek.

[4] Employees are only entitled to 12 workweeks of leave during any 12 month period (i.e. this is not in addition to any other FMLA leave).